




CRIMINAL COMPLAINT  
(Electronically Submitted)

<b>United States District Court</b>	DISTRICT of ARIZONA
<b>United States of America</b> <b>v.</b> <b>Francisco Rene BENITEZ</b> DOB: 1976; United States Citizen	DOCKET NO.  MAGISTRATE'S CASE NO. <b>23-00463MJ</b>
Complaint for violation of Title 18, United States Code, § 554(a)	
<p>On or about June 25, 2023, in the District of Arizona, <b>Francisco Rene BENITEZ</b> knowingly and fraudulently exported and sent from the United States, and attempted to export and send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, article or object, that is: one (1) 9 mm Beretta APX firearm, three (3) 9mm magazines, and 45 rounds of ammunition, knowing the same to be intended for exportation contrary to any law or regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of Federal Regulations, Parts 736.2, 738, and 774; all in violation of Title 18, United States Code, Section 554(a).</p>	
<p><b>BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:</b></p> <p>On June 25, 2023, <b>Francisco Rene BENITEZ</b> attempted to exit the United States and enter the Republic of Mexico through the Mariposa Port of Entry in Nogales, Arizona. Customs and Border Protection Officers (CBPOs) were conducting outbound inspections when they stopped a white Chevy City Express van bearing an Arizona license plate driven by sole occupant <b>Francisco Rene BENITEZ</b>. While CBPOs were speaking to <b>BENITEZ</b>, a system generated alert was received, indicating the vehicle was reported stolen. At this time, CBPOs ordered <b>BENITEZ</b> out of the vehicle. CBPOs attempted to obtain a negative binding declaration from <b>BENITEZ</b> regarding currency over \$10,000, weapons and ammunition, however <b>BENITEZ</b> admitted there was a weapon in his vehicle. <b>BENITEZ</b> stated the firearm was inside a backpack in between the two front seats.</p> <p>A CBP Canine Enforcement Officer and his assigned K-9 performed a search of the vehicle. The K-9 alerted to the rear area of the vehicle. When the officer opened the rear cargo area, the K-9 immediately went to a backpack located between the front seats. CBPOs discovered a 9 mm Beretta APX firearm, three (3) 9mm magazines, and 45 rounds of ammunition all inside the backpack. Records checks on the firearm revealed the weapon was reported stolen.</p> <p>In a post-Miranda interview, <b>BENITEZ</b> admitted to having a firearm in the vehicle when he attempted to enter Mexico. <b>BENITEZ</b> stated he was going to be paid \$400 for taking the firearm to Mexico. <b>BENITEZ</b> stated he found the van parked on the street and the key was already inside, so he took it.</p>	
<b>(BASIS OF COMPLAINT CONTINUED ON REVERSE.)</b>	
MATERIAL WITNESSES IN RELATION TO THE CHARGE: N/A	
DETENTION REQUESTED Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.  AUTHORIZED BY AUSA R. Arellano  Digitally signed by RAQUEL ARELLANO Date: 2023.06.26 15:59:33 -07'00'	SIGNATURE OF COMPLAINANT TIMOTHY P WATSON  Digitally signed by TIMOTHY P WATSON Date: 2023.06.26 16:33:33 -07'00'  OFFICIAL TITLE HSI Special Agent Tim Watson
Sworn by telephone <input checked="" type="checkbox"/>	
SIGNATURE OF MAGISTRATE JUDGE <sup>1)</sup> 	DATE June 26, 2023

1) See Federal Rules of Criminal Procedure Rules 3, 4.1, and 54

**(BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED CONTINUED.)**

The firearm, ammunition, and magazines found in the vehicle qualify as United States Commerce Control List items and therefore are prohibited by law for export from the United States into Mexico without a valid license. **BENITEZ** does not possess a license to export weapons, ammunition, or magazines into Mexico.

